

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JOE H. ANDERSON,

Plaintiff,

v.

No. 23-cv-0024 WJ-KRS

BERNALILLO COUNTY
METROPOLITAN DETENTION CENTER, *et al*,

Defendants.

**ORDER DIRECTING CURE AND
DENYING MOTION TO APPOINT COUNSEL**

This matter is before the Court on Plaintiff's Motion to Proceed *In Forma Pauperis* (Doc. 4) (IFP Motion). The IFP Motion does not include a six-month inmate account statement, as required by 28 U.S.C. § 1915(a)(2). Plaintiff shall cure this deficiency within thirty days of entry of this Order. The failure to timely comply may result in dismissal without further notice.

Also before the Court is Plaintiff's Motion to Appoint Counsel in this prisoner civil rights case (Doc. 5). "Courts are not authorized to appoint counsel in 1983 ... cases; instead, courts can only 'request' an attorney to take the case" on a *pro bono* basis. *Rachel v. Troutt*, 820 F.3d 390, 397 (10th Cir. 2016). This decision is a matter of discretion. *Toeys v. Reid*, 685 F.3d 903, 916 (10th Cir. 2012). Relevant factors include "the merits of the claims, the nature of the claims, [the inmate's] ability to present the claims, and the complexity of the issues." *Rachel*, 820 F.3d at 397. Considering these factors, the Court will not ask a local attorney to handle this case on a *pro bono* basis. The claims pertain to Plaintiff's conditions of confinement and are not especially complex. Plaintiff's filings also reflect he is able to prosecute this action on a *pro se* basis. The request to appoint counsel will therefore be denied without prejudice.

IT IS THEREFORE ORDERED that within thirty (30) days of entry of this Order, Plaintiff shall submit a certified copy of his inmate account statement, which reflects transactions for a six-month period.

IT IS FURTHER ORDERED that Plaintiff's Motion to Appoint Counsel (**Doc. 5**) is **DENIED** without prejudice.

A handwritten signature in black ink, appearing to read "Kevin Smeagala", is written over a horizontal line.

UNITED STATES MAGISTRATE JUDGE